


**Federal Defenders  
OF NEW YORK, INC.**

Southern District  
52 Duane Street-10th Floor, New York, NY 10007  
Tel: (212) 417-8700 Fax: (212) 571-0392

David E. Patton  
Executive Director

**APPLICATION GRANTED  
SO ORDERED**   
**VERNON S. BRODERICK**

August 13, 2023. **U.S.D.J. 8/15/2023**

**By ECF**

Honorable Vernon S. Broderick  
United States District Judge  
Southern District of New York  
40 Centre Street  
New York, NY 10007

**Re: United States v. Sayfullo Saipov  
17 Cr. 722 (VSB)**

As stated during Defendant's sentencing hearing, there will be a restitution order entered in this matter. (Doc. 841 at 102:8-12.) The Government has filed a proposed restitution order which provides for restitution from Defendant in the amount of \$156,418. (Doc. 846.) Defendant is ordered to file a letter with his position regarding the restitution amount by August 25, 2023. I shall defer my determination of the amount of restitution until after this letter is filed. **SO ORDERED.**

Dear Judge Broderick,

We write in response to the government's letter submitted on August 11, 2023, requesting the Court endorse a restitution order in connection with the above-captioned case. Dkt. No. 846.

Mr. Saipov appeared before Your Honor for sentencing on May 17, 2023. At that proceeding, regarding restitution, the Court granted the parties' request to submit an order within 90 days. Sent. Tr. at 102. On June 27, 2023, the Court issued the written judgment, which deferred the question of restitution to August 15, 2023. Dkt. No. 810.

We ask that the Court hold the government's application and proposed restitution order in abeyance while the defense forms a position on the proposed restitution amount. Specifically, we seek to submit a letter with our position by August 25, 2023. A court can order restitution after the 90-day deadline set forth in 18 U.S.C. § 3664(d)(5) "if as here, the sentencing court made clear prior to the deadline's expiration that it would order restitution, leaving open (for more than 90 days) only the amount." Dolan v. United States, 560 U.S. 605, 608 (2010); see also United States v. Pickett, 612 F.3d 147 (2d Cir. 2010) (applying Dolan and approving a District Court's entry of restitution amount after the 90-day deadline had expired); United States v. Gushlak, 728 F.3d 184, 192 (2d Cir. 2013) (same).

We require this additional time for two reasons. First, we have not had a chance to discuss the government's application with Mr. Saipov. We are endeavoring to speak with him as soon as possible, but until then, we are unable to formulate a position and object to the Court

entering a restitution order, the specifics of which Mr. Saipov is unaware.<sup>1</sup> Second, the government only informed us of the specific restitution amount (\$156,418) and the specific victim requesting it on August 8, 2023. The requested time will enable us to seek additional information and documentation from the government so that we can form a position regarding this specific restitution claim.

Accordingly, we ask that the Court defer entry of the restitution order until after the defense files a letter with our position regarding the restitution amount by August 25, 2023.

Respectfully submitted,

/s/

David E. Patton  
Counsel for Sayfullo Saipov

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<sup>1</sup> On approximately August 3, 2023, Mr. Saipov was removed from MDC Brooklyn. He arrived in Florence, Colorado on approximately August 5, 2023. Upon learning of the government's specific restitution request on August 8, we reached out to the BOP officials in Florence to set up a legal call; we have not yet received a response. We will continue to diligently pursue this call, but until we have a chance to inform Mr. Saipov of the government's recent application and discuss it with him, we object to the issuance of the restitution order.